

Docket: BS01432
U.S. Application No.: 10/090,368 Examiner Genack Art Unit: 2617
Response to April 27, 2007 Final Office Action

REMARKS

In response to the final Office Action dated April 26, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-3 and 6-35 are pending in this application. Claims 4-5 have been canceled without prejudice or disclaimer.

Rejection of Claims under § 103 (a) over *Smith* and *McKendry*

Claims 1-3, 9, 12-15, 18-22, 26, 29-32, and 35 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over U.S. Patent 6,219,409 to Smith, *et al.* in view of U.S. Patent 6,021,176 to McKendry, *et al.*

These claims, however, cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by the combined teaching of *Smith* with *McKendry*. Independent claim 1, for example, recites "*the base unit communicating with the extension control device via a non-audio signal, the extension control device receiving power from a current on a telephone line, the extension control device building up a charge that generates a ring event on the telephone line.*" Support for such features may be found in the as-filed application at page 8, lines 9-19. Independent claim 1 is reproduced below, and independent claim 20 recites similar features.

1. An automated telephone assistant device, comprising:

a base unit in communication with an extension control device, the base unit connecting at least one telephone jack to a network interface device, the network interface device in communication with a telephone network, the base unit communicating with the extension control device via a non-audio signal, the extension control device receiving power from a current on a telephone line, the extension control

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device building up a charge that generates a ring event on the telephone line, at least one of the base unit and the extension control device executing at least a first algorithm, the algorithm entered and modifiable to the base unit by a user through the extension control device, the first algorithm selectively communicating an incoming telephone call received from the telephone network to a selected telephone jack via the base unit, the base unit accessing one or more user-defined rules to select the telephone jack and to route the incoming communication to the selected telephone jack, the base unit further accessing another user-defined rule to prevent routing of the incoming communication to the selected telephone jack such that an idle, selected telephone jack maintains an on-hook state of a telephone line serving the telephone jack during communication of the incoming telephone call to the base unit.

Smith and *McKendry* cannot obviate all these features. *Smith* discloses a premises gateway having network interface cards. See U.S. Patent 6,219,409 to *Smith, et al.* at column 13, lines 18-22. *Smith's* premises gateway may also include a Premises Network Interface (PNI) card to communicate with a PNI at each node within the premises. See *id.* at column 13, lines 35-50. *McKendry* discloses a programmable personal call manager that can route an incoming call to any telephone in a user's premises. See U.S. Patent 6,021,176 to *McKendry, et al.* at column 7, lines 62-65. See also *id.* at column 12, lines 30-56. Still, though, the combined teaching of *Smith* with *McKendry* fails to teach or suggest at least "*the base unit communicating with the extension control device via a non-audio signal, the extension control device receiving power from a current on a telephone line, the extension control device building up a charge that generates a ring event on the telephone line.*" Because *Smith* and *McKendry* are silent to at least these features, one of ordinary skill in the art would not think that independent claims 1 and 20 are obvious. Their respective dependent claims incorporate the same distinguishing features and recite additional features. Claims 1-3, 9, 12-15, 18-22, 26, 29-32, and 35, then, cannot be obvious, so Examiner Genack is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 4-5 under § 103 (a)

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Claims 4-5 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Smith* in view of *McKendry* and further in view of U.S. Patent 5,802,467 to Salazar, *et al.* Claims 4 and 5, however, have been canceled, so the rejection is moot.

Rejection of Claims 6-8 & 23-25 under § 103 (a)

Claims 6-8 and 23-25 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Smith* in view of *McKendry* and further in view of U.S. Patent 6,473,078 to Ikonen, *et al.* Claims 6-8 and 23-25, however, cannot be obvious. Claims 6-8 and 23-25, respectively, depend from independent claims 1 and 20. These claims, then, incorporate the same distinguishing features. As the above paragraphs explained, *Smith* and *McKendry* both fail to teach or suggest at least “the base unit communicating with the extension control device via a non-audio signal, the extension control device receiving power from a current on a telephone line, the extension control device building up a charge that generates a ring event on the telephone line.” The patent to Ikonen, *et al.* does not cure this deficiency. The patent to Ikonen, *et al.* discusses power management for a cathode ray tube display. The combined teaching of *Smith*, *McKendry*, and *Ikonen* still fails to teach or suggest the distinguishing features recited in independent claims 1 and 20 and incorporated into claims 6-8 and 23-25. Claims 6-8 and 23-25, then, cannot be obvious, so Examiner Genack is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 11, 16, 28 & 33 under § 103 (a)

Claims 11, 16, 28, and 33 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Smith* in view of *McKendry* and further in view of U.S. Patent 5,978,451 to Swan, *et al.* Claims 11, 16, 28, and 33, however, cannot be obvious. Claims 11, 16, 28, and 33, respectively, depend from independent claims 1 and 20. These claims, then, incorporate the same distinguishing features. As the above paragraphs explained, *Smith* and *McKendry* both fail to teach or suggest at least “the base unit communicating with the extension control device via a non-audio signal, the extension control device receiving power from a current on a telephone line, the extension control device building up a charge that generates a ring event on the

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telephone line." The patent to Swan, *et al.* does not cure this deficiency. The patent to Swan, *et al.* discusses a personal communications controller for all the terminals in a residence. The combined teaching of *Smith*, *McKendry*, and *Swan* still fails to teach or suggest the distinguishing features recited in independent claims 1 and 20 and incorporated into claims 11, 16, 28, and 33. Claims 11, 16, 28, and 33, then, cannot be obvious, so Examiner Genack is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 10 & 27 under § 103 (a)

Claims 10 and 27 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Smith* in view of *McKendry* and further in view of U.S. Patent 6,823,354 to Kynast, *et al.* Claims 10 and 27, however, cannot be obvious. Claims 10 and 27, respectively, depend from independent claims 1 and 20. These claims, then, incorporate the same distinguishing features. As the above paragraphs explained, *Smith* and *McKendry* both fail to teach or suggest at least *"the base unit communicating with the extension control device via a non-audio signal, the extension control device receiving power from a current on a telephone line, the extension control device building up a charge that generates a ring event on the telephone line."* The patent to Kynast, *et al.* does not cure this deficiency. The patent to Kynast, *et al.* discusses a master station for a service provider. The combined teaching of *Smith*, *McKendry*, and *Kynast*, however, still fails to teach or suggest the distinguishing features recited in independent claims 1 and 20 and incorporated into claims 10 and 27. Claims 10 and 27, then, cannot be obvious, so Examiner Genack is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 17 & 34 under § 103 (a)

Claims 17 and 34 were rejected under 35 U.S.C. § 103 (a) as being allegedly obvious over *Smith* in view of *McKendry* and further in view of U.S. Patent 6,122,347 to Borland. Claims 17 and 34, however, cannot be obvious. Claims 17 and 34, respectively, depend from independent claims 1 and 20. These claims, then, incorporate the same distinguishing features. As the above paragraphs explained, *Smith* and *McKendry* both fail to teach or suggest at least *"the base unit communicating with the extension control device via a non-audio signal, the*

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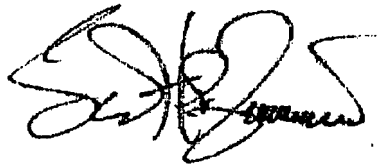
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extension control device receiving power from a current on a telephone line, the extension control device building up a charge that generates a ring event on the telephone line." The patent to Kynast, *et al.* does not cure this deficiency. The patent to Borland discusses announcement of a caller before a ring is generated. The combined teaching of *Smith*, *McKendry*, and *Borland*, however, still fails to teach or suggest the distinguishing features recited in independent claims 1 and 20 and incorporated into claims 17 and 34. Claims 17 and 34, then, cannot be obvious, so Examiner Genack is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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